

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WM HIGH YIELD FUND, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	No. 04-3423
MICHAEL A. O'HANLON, et al.	:	

ORDER

AND NOW, this 27th day of June, 2013, upon consideration of the parties' submissions,¹ it is hereby ORDERED that Defendants Deloitte & Touche LLP's and Harold Neas' Joint Motion for Summary Judgment (Doc. No. 262) is GRANTED, and it is further ORDERED that JUDGMENT is entered in favor of Defendants Deloitte and Neas, and against Plaintiffs – WM High Yield Fund; WM Income Fund; WM VT Income Fund; AT High Yield Fund; AT Income Fund; and Stellar Funding, Ltd. – on all claims contained in the Complaint.²

BY THE COURT:

/s/ Legrome D. Davis

Legrome D. Davis, J.

¹ Parties' submissions: Defendants Deloitte & Touche LLP's and Harold Neas' Joint Motion for Summary Judgment (Doc. No. 262), Memorandum of Law (Doc. No. 263), Statement of Undisputed Facts with Exhibits (Doc. No. 264), Reply Memorandum of Law (Doc. No. 286), Supplemental Brief (Doc. No. 305), and Supplemental Reply Brief with Exhibits (Doc. Nos. 315, 317). Plaintiffs' Memorandum of Law (Doc. No. 266), Counter-Statement of Undisputed Facts (Doc. No. 267), Declaration of James P. McEvilly, III with Exhibits (Doc. No. 268), and Supplemental Memorandum of Law (Doc. No. 313).

² Separately, Defendant Harold Neas moved for summary judgment (Doc. No. 261), asserting that there is a failure of proof as to other essential elements of this private securities action – Plaintiffs' reliance upon a material misrepresentation or omission made by him. By another Order and Memorandum also dated June 27, 2013, summary judgment will be granted on those alternative grounds, and judgment will be entered in favor of Defendant Neas and against Plaintiffs on all claims contained in Count I of the Complaint.